

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

IN RE:

**HIGH STANDARD MANUFACTURING
COMPANY fka HI STANDARD; fka
HIGH STANDARD; fka INTERARMS;
fka AMT**

DEBTOR

CASE NO. 15-33794

CHAPTER 11

**Hearing Set For:
10/30/15 @ 9:00 A.M.**

UNOPPOSED MOTION MODIFYING/TERMINATING STAY

THIS IS A MOTION FOR RELIEF FROM THE AUTOMATIC STAY. IF IT IS GRANTED, THE MOVANT MAY ACT OUTSIDE OF THE BANKRUPTCY PROCESS. IF YOU DO NOT WANT THE STAY LIFTED, IMMEDIATELY CONTACT THE MOVING PARTY TO SETTLE. IF YOU CANNOT SETTLE, YOU MUST FILE A RESPONSE AND SEND A COPY TO THE MOVING PARTY AT LEAST 7 DAYS BEFORE THE HEARING. IF YOU CANNOT SETTLE, YOU MUST ATTEND THE HEARING. EVIDENCE MAY BE OFFERED AT THE HEARING AND THE COURT MAY RULE.

REPRESENTED PARTIES SHOULD ACT THROUGH THEIR ATTORNEY.

THERE WILL BE A HEARING ON THIS MATTER ON OCTOBER 30, 2015 AT 9:00 A.M. IN THE COURTROOM 515 RUSK, 4TH FLOOR, COURTROOM 404, HOUSTON, TEXAS 77002

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, Kelly Sturdevant, hereinafter referred to as Plaintiff, complaining of High Standard Manufacturing Company, hereinafter referred to as Debtor Defendant High Standard Manufacturing Company, would respectfully show unto the court as follows:

GENERAL FACTUAL BACKGROUND

1. On November 24, 2014, Plaintiff instituted suit in the 294th District Court Van Zandt County, Texas as Cause No. 14-00303, Kelly Sturdevant v. High Standard Manufacturing Company and ARMSCOR Precision International d/b/a ARMSCOR

USA, Stone Chimney Creek Trading Company, L.L.C., and Lipsey's L.L.C.

2. On July 28, 2015, High Standard Manufacturing Company filed a Petition for Relief under Chapter 11 of the U.S. Bankruptcy Code.

3. The litigation in state court involves a claim against a total of four (4) entities for damages for bodily injury sustained by Plaintiff Kelly Sturdevant as a result of an accidental shooting which occurred on September 1, 2013. More specifically, Plaintiff Kelly Sturdevant suffered life threatening injuries when a defectively designed/manufactured High Standard 45 ACP caliber handgun fired without the trigger being pulled.

MOTION TO MODIFY/TERMINATE STAY

4. At all material times, Debtor Defendant High Standard Manufacturing Company was insured by a Commercial General Liability Policy issued by Lexington Insurance Company, Policy No. 015374846, which purports to provide a \$1,000,000.00 per occurrence Product-Completed Operations limit of liability.

5. The state court litigation can best be tried in the 294th District Court, Van Zandt County, Texas, against all four (4) defendants. Accordingly, Plaintiff seeks to modify the stay imposed by 11 USC § 362 only for the purpose of allowing Plaintiff to proceed against Debtor Defendant High Standard Manufacturing Company as a joint tortfeasor to reduce Plaintiff's cause of action to a final judgment; and, if necessary, for the purpose of collecting damages which are covered by the liability insurance policy.

6. Plaintiff Kelly Sturdevant states that she will seek no judgment or recovery against Debtor Defendant High Standard above the amount covered by Lexington Insurance Company Policy No. 15374846.

CERTIFICATE OF CONFERENCE

The attorney representing High Standard in the pending state court litigation has agreed to the Motion. By letters dated August 17, 2015, August 28, 2015, and September 10, 2015, one of the undersigned counsel, H. Grady Chandler, attempted to determine whether High Standard's bankruptcy attorney Mr. Johnie Patterson, would agree to the Motion; however, Mr. Patterson failed to respond to any of the correspondence. Based on High Standard's State Court counsel's approval of the relief requested, movant presumes that High Standard does not oppose the Motion or have any objections to the form of the Order. True and copies of the correspondence are attached hereto as Exhibit "A".

WHEREFORE, PREMISES CONSIDERED, Plaintiff prays for the relief requested herein and for such other and further relief to which she may show herself justly entitled.

Respectfully submitted,

LAW OFFICE OF H. GRADY CHANDLER, P.C.

/s/ H. Grady Chandler [10/02/15]

H. GRADY CHANDLER

Texas State Bar No. 04095000

1919 S. Shiloh Rd., Ste. 650, LB 39

Garland, Texas 75042

grady@hgchandlerlaw.com

972-271-4561

972-278-3588 (FAX)

Timothy Monsees

Texas State Bar No. 14275550
Monsees & Mayer, P.C.
4717 Grand Avenue, Suite 820
Kansas City, MO 64112
(816) 361-5550
(816) 361-5577 facsimile
tmonsees@monseesmayer.com

and

/s/Marc W. Taubenfeld [10/05/15]

Marc W. Taubenfeld

State Bar No. 19679800
McGUIRE, CRADDOCK & STROTHER, P.C.
2501 N. Harwood, Suite 1800
Dallas, Texas 75201
T: (214) 954-6800
F: (214) 954-6850
mtaubenfeld@mcsllaw.com
**COUNSEL FOR KELLY STURDEVANT,
MOVANT/ PLAINTIFF**

**CERTIFICATE OF SERVICE AND
CERTIFICATE OF COMPLIANCE WITH BLR 4001**

A copy of this motion was served on the persons shown the following parties at the addresses reflected on October 5, 2015 by prepaid United States first class mail. Movant certifies that movant has complied with Bankruptcy Local Rule 4001.

High Standard Manufacturing Company, Inc.
5151 Mitchelldale, Suite B-11
Houston, TX 77092
DEBTOR

Cynthia K. Hall, Esq.
HENDRICKSON, HALL & FREY
4100 Alpha Rd., Suite 600
Dallas, Texas 75244

Johnie Patterson
Walker & Patterson, P.C.
P.O. Box 61301
Houston, TX 77208
COUNSEL FOR DEBTOR

Nancy Lynne Holley, Esq.
Office of the United States Trustee
515 Rusk Ave, Suite 3516
Houston, TX 77002-2604
COUNSEL FOR U.S. TRUSTEE'S OFFICE

Christopher Adams, Esq.
Okin & Adams LLP
1113 Vine Street, #201
Houston, TX 77002-1045
COUNSEL FOR AO PRECISION MANUFACTURING LLC

Bruce J. Ruzinsky, Esq.
Jackson Walker, LLP
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G. P. Matherne, Esq.
Attorney at Law
PO Box 547
Spring, TX 77383-0547
COUNSEL FOR ALAN ARONSTEIN

John P. Dillman, Esq.
Linebarger Goggan Blair & Sampson LLP
P.O. Box 3064
Houston, TX. 77253-3064
COUNSEL FOR HARRIS COUNTY ET AL

/s/ Marc W. Taubenfeld [10/05/15]
Marc W. Taubenfeld

EXHIBIT "A"

LAW OFFICES OF H. GRADY CHANDLER, P.C.

1919 S. Shiloh Road • Suite 650, LB 39 • Garland, TX 75042
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E-mail: Grady@hgchandlerlaw.com

BOARD CERTIFIED IN
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ALSO LICENSED IN MONTANA

JUDY THOMPSON
PARALEGAL
judy@hgchandlerlaw.com

August 17, 2015

Cynthia K. Hall
TUCKER & ASSOCIATES
4100 Alpha Road
6th Floor, Suite 600
Dallas, Texas 75244

Johnie Patterson
Walker & Patterson, P.C.
P.O. Box 61301
Houston, Texas 77208

Re: High Standard Manufacturing Company fka Hi Standard; fka High
Standard; fka Interarms; fka AMT; Case No. 15-33794

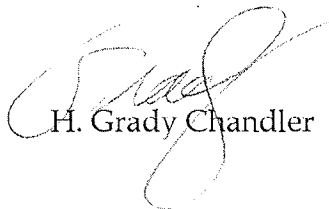
Dear Counsel:

Enclosed please find the draft Agreed Motion and Order
Modifying/Terminating Stay. Please approve the Order and return to me at your
earliest convenience.

If you have any questions or modifications, we will work with you toward that
end.

With kindest regards, I am

Sincerely,



H. Grady Chandler

HGC:jt
Enclosures

cc: Timothy Monsees

Send Result Report



MFP

ECOSYS M6526cidn

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003	08/17/15 16:14	18163615577-14111	0°01'17"	FAX	OK	200x100 Normal/On

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FACSIMILE TRANSMISSION

NUMBER PAGES TO FOLLOW: 8 DATE: August 17, 2015

TO: CYNTHIA HALL FACSIMILE NO.: 972.448.1150
TO: JOHNNIE PATTERSON FACSIMILE NO.: 713.956.5570
TO: TIMOTHY W. MONSEES FACSIMILE NO.: 816.361.5577
FROM: H. Grady Chandler
RE: CASE NO. 15-33794; HIGH STANDARD MANUFACTURING
COMPANY, et al

MESSAGE: See attached.

IF YOU HAVE ANY PROBLEMS WITH THIS TRANSMISSION
PLEASE CALL 972-271-4561

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JUDY THOMPSON
PARALEGAL
judy@hgchandlerlaw.com

August 28, 2015

Johnie Patterson
Walker & Patterson, P.C.
P.O. Box 61301
Houston, Texas 77208

Re: High Standard Manufacturing Company fka Hi Standard; fka High
Standard; fka Interarms; fka AMT; Case No. 15-33794

Dear Mr. Patterson:

This will supplement my letter of August 17, 2015, a copy of which is attached.

Enclosed please find the draft Agreed Motion and Order
Modifying/Terminating Stay, which has now been approved by Ms. Hall.

If you have some objection to the form of the Order, please bring it to our
attention. We look forward to your prompt response.

With kindest regards, I am

Sincerely,


H. Grady Chandler

HGC:jt
Enclosures

cc: Timothy Monsees
Cynthia Hall

Send Result Report



MFP

ECOSYS M6526cidn

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08/28/2015 15:24
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003	08/28/15 15:23	18163615577-14111	0°01'33"	FAX	OK	200x100 Normal/On

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NUMBER PAGES TO FOLLOW: 10 DATE: August 28, 2015

TO: CYNTHIA HALL	FACSIMILE NO.: 972.448.1150
TO: JOHNNIE PATTERSON	FACSIMILE NO.: 713.956.5570
TO: TIMOTHY W. MONSEES	FACSIMILE NO.: 816.361.5577
FROM: H. Grady Chandler	
RE: CASE NO. 15-33794; HIGH STANDARD MANUFACTURING COMPANY, et al	

MESSAGE: See attached.

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JUDY THOMPSON
PARALEGAL
judy@hgchandlerlaw.com

September 10, 2015

Johnie Patterson
Walker & Patterson, P.C.
P.O. Box 61301
Houston, Texas 77208

Re: High Standard Manufacturing Company fka Hi Standard; fka High
Standard; fka Interarms; fka AMT; Case No. 15-33794

Dear Mr. Patterson:

This will supplement my letters of August 17, 2015 and August 28, 2015. If we do not receive a written response by 1:00 p.m., September 11, 2015, we will presume that you do not oppose Plaintiff's Motion Modifying/Terminating Stay and similarly, have no objections to the form of the Order.

With kindest regards, I am

Sincerely,



H. Grady Chandler

HGC:jt
Enclosures

cc: Timothy Monsees
Cynthia Hall

Send Result Report



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Firmware Version 2PY_2F00.002.102 2014.08.25

09/10/2015 15:20
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NUMBER PAGES TO FOLLOW: 1 DATE: September 10, 2015

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TO: TIMOTHY W. MONSEES	FACSIMILE NO.: 816.361.5577
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MESSAGE: See attached.

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